



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
Public Information Office
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Release Date: January 24, 2000

Release Number: S.C. 04/00

SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JANUARY 18, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-07 Blue Ridge Insurance Co. v. Jacobsen, S083934. (9th Cir. No. 98-55052; 147 F.3d 1008.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to a certified question of state law pursuant to rule 29.5 of the California Rules of Court. The certified question, as posed by the Ninth Circuit and accepted by the California Supreme Court, states: “Whether an insurer defending a personal injury suit under a reservation of rights may recover settlement payments made over the objection of the insured when it is later determined that the underlying claims are not covered under the policy.”

#00-08 Merrill v. Navegar, Inc., S083466. (A079863; 75 Cal.App.4th 500, mod. 75 Cal.App.4th 1037c.) Petition for review after the Court of Appeal affirmed in part and reversed in part a summary judgment in a civil action. This case concerns 1) whether, in the absence of a special relationship, the victim of a shooting may state a claim against the manufacturer of a legal and nondefective gun based on breach of a claimed duty to use due care not to increase the risk

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beyond that inherent in the presence of firearms in our society, and, if so, 2) whether plaintiff's evidence raised a triable issue of causation.

#00-09 Torres v. Parkhouse Tire Service, Inc., S084105. (D031296; 75 Cal.App.4th 1195.) Petitions for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether intent to injure is an element of a cause of action under Labor Code section 3601, subdivision (a)(1), which permits an action by an insured employee against a co-employee for injuries caused by the co-employee's "willful and unprovoked physical act of aggression."

DISPOSITIONS

#98-137 FWHC Medical Group v. CNA Casualty of California, S071951, was dismissed and remanded to the Court of Appeal upon receipt of notice of settlement of the action.

#99-110 People v. Taylor, S079437, was transferred to the Court of Appeal for reconsideration in light of People v. Tufunga (1999) 21 Cal.4th 935.

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